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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,418	09/30/2003	Nathanael F. Ehrich	RSW920030221US1	6181

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EXAMINER	
PAULA, CESAR B	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,418	EHRICH ET AL.	
	Examiner	Art Unit	
	CESAR B. PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,7-10,13-15,18-20,26,27 and 29-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,7-10,13-15,18-20,26,27 and 29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/31/06* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on 1/31/2006.

This action is made Final.

2. In the amendment, claims 2-6, 11-12, 16-17, 21-25, and 28 have been canceled. Claims 29-32 have been added. Claims 1, 7-10, 13-15, 18-20, 26-27, and 29-32 are pending in the case. Claims 1, and 26-27 are independent claims.

Drawings

3. The drawings filed on 9/30/2003 have been accepted by the Examiner. However, the drawing filed on 1/31/06 has not been accepted, since this drawing is a copy of fig 1 as submitted on 9/30/2003.

Information Disclosure Statement

4. The IDS filed on 1/31/2006 has been accepted by the Examiner.

Claim Rejections - 35 USC § 101

5. The rejections of claims 1-26 under 35 U.S.C. 101 have been withdrawn as necessitated by the amendment.

Double Patenting

6. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and

useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

7. Claims 1-8, 26 remain provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 18, 18, 18, 18, 18, 18, 18, 7, 18 respectively of copending Application No. 10/674,769. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 22, and 27 remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of copending Application No. 10/674,769 (hereinafter 769). Although the conflicting claims are not identical, they are not patentably distinct from each other because although claim 18 of 769 does not explicitly teach performing *receiving, evaluating, and using at the client device,* Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages generated using URL/CGI instructions, such as icons, text, images, etc, based upon the

interpretation of the URL instructions, and the device's characteristics (col. 11, lines 1-62, col.8, lines 1-2, fig.10-15). Kanevsky fails to explicitly teach *evaluating at the client device, and using the evaluation result at the client device.* However, it would have been obvious to one of ordinary skill in the art at the time of the invention combine 769, and Kanevsky, to receive, evaluate, and use the evaluation result of the preadapted web page at the client where it is to be adapted, for all the reasons shown by Kanevsky including the client machine's more powerful, and efficient tools than a server for semantic interpretations so that the web page is readapted (col.17, lines 7-21).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 7-10, 13-15, 18-20, 26-27 remain, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanevsky (Pat.# 6,300,947 B1, 10/9/2001).

Regarding independent claim 1, Kanevsky discloses receiving a web page at a client. The web page contains CGI instructions for displaying it, and its components. The CGI instructions contain scripts which are programs indicating parameters, such as the type of computer, pc, laptop, etc., for the display of the web page, which is adapted at the server – *a markup language document that specifies a web page for rendering on a display of the client device, wherein the specification of the web page further comprises, for at least one component of the web pages*-- (col. 7, lines 57-col.8, line 42).

Moreover, Kanevsky discloses interpreting URL instructions containing information regarding the content of web pages to determine whether or not the web pages meet certain criteria, such as a device characteristics-- *evaluating one or more factors to yield an evaluation result*-- (col. 7, lines 57-col.8, line 42).

Moreover, Kanevsky discloses selectively displaying certain group of component(s) of the web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions, and the device's characteristics-- *using the evaluation result to select a particular one of the plurality of alternative selectable views of a particular component, rendering on the display the web page with the selected view* -- (col. 11, lines 1-62, col.2. lines 1-44, fig.10-15). Kanevsky fails to explicitly teach *receiving at the client device, syntax defining a plurality of alternative views of the component and conditions under which each of the views should be selected for rendering markup language document comprising a syntax defining a plurality of alternative views of the component and conditions under which each of the views should be selected for rendering; evaluating at the client device, and using the evaluation result at the client device.* However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to receive, evaluate, and use the evaluation result of the preadapted web page at the client where it is to be adapted, for all the reasons shown by Kanevsky including the client machine's more powerful, and efficient tools than a server for semantic interpretations so that the web page is readapted (col.17, lines 7-21).

Regarding claim 7, which depends on claim 1, Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions, and the device's characteristics—*the syntax defining the plurality of alternative selectable views are specified using a scripting language syntax* -- (col. 11, lines 1-62, col.8, lines 16-34, fig.10-15).

Regarding claim 8, which depends on claim 1, Kanevsky discloses selectively displaying certain group of component(s) of the web pages, such as icons, text, images, etc, split up in a hierarchical fashion, based upon the interpretation of the URL instructions, and the device's characteristics (col. 11, lines 1-62, col.2, lines 1-44, fig.10-15).

Regarding claim 9, which depends on claim 1, Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions—*executable logic*--, and the device's characteristics (col. 11, lines 1-62, col.8, lines 16-34, fig.10-15).

Regarding claim 10, which depends on claim 7, Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions—*logic*--, and the device's characteristics (col. 11, lines 1-62, col.8, lines 16-34, fig.10-15).

Regarding claim 13, which depends on claim 1, Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions, and the device's characteristics—*dynamic factor pertaining to the client device* (col.8, lines 24-67, fig.10-15).

Regarding claim 14, which depends on claim 1, Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions received over the Internet—*network*--, and the device's characteristics—*dynamic factor* (col.8, lines 24-67, col.4, lines 58-67, col.13, lines 31-67, fig.10-15).

Claim 15 is directed towards the steps found in claim 1, and therefore is similarly rejected.

Regarding claim 18, which depends on claim 15, Kanevsky discloses selectively displaying certain group of component(s) contained within the HTML web pages, such as icons, text, images, etc, into various pages based upon the interpretation of the URL instructions and

the device's characteristics, such as screen size (col. 11, lines 1-62, col.8, lines 16-34, col.11, lines 14-67, fig.10-15).

Regarding claim 19, which depends on claim 15, Kanevsky discloses splitting up a web page into hierarchically linked pages based upon priority, and the interpretation of the URL instructions and the device's characteristics, such as screen size (col. 11, lines 1-62, col.8, lines 16-34, col.2, lines 2-19, fig.10-15).

Regarding claim 20, which depends on claim 1, Kanevsky discloses selectively displaying certain group of component(s) of the HTML web pages, such as icons, text, images, etc, based upon the interpretation of the URL instructions—*reference to logic* --, and the device's characteristics, such as an external pc, laptop, etc., which evaluate, and adapt the web page (col. 11, lines 1-62, col.8, lines 16-34, col.17, lines 1-67, fig.10-15).

Claims 26-28 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1, 22, and 24 respectively, and therefore are similarly rejected.

Regarding claim 29, which depends on claim 1, Kanevsky discloses splitting up a web page into hierarchically linked pages based upon the device's characteristics, such as screen size, pixel display area, etc., --*window size* (col.8, lines62-67, col. 11, lines 1-62, col.8, lines 16-34, col.2, lines 2-19, fig.10-15).

Regarding claim 30, which depends on claim 1, Kanevsky discloses splitting up a web page into hierarchically linked pages based upon the device's characteristics, such as screen size, pixel display area, etc., --*a current* display *processing load on the client device* (col.8, lines 62-67, col. 11, lines 1-62, col.8, lines 16-34, col.2, lines 2-19, fig.10-15).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevcky as applied to claim 1 above, in view of Hind et al, hereinafter Hind (Pat.# 6,463,440 B1, 10/8/2002).

Regarding claim 31, which depends on claim 1, Kanevsky discloses splitting up a web page into hierarchically linked pages based upon the device's characteristics, such as screen size, pixel display area, etc., (col.8, lines 62-67, col. 11, lines 1-62, col.8, lines 16-34, col.2, lines 2-19, fig.10-15). Kanevsky fails to explicitly teach *the one or more evaluated factors comprises applications currently executing at the client device.* Hind discloses ensuring that a specific browser is running on the device (col. 3, lines 12-48). In other words, this would exclude any

other browser running in the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kanevsky, and Hind for all the reasons outlined by Hind above, including reducing the cost of transmitting the document and increasing the likelihood that sufficient storage space will be available for receiving the document.

Regarding claim 32, which depends on claim 1, Kanevsky discloses splitting up a web page into hierarchically linked pages based upon the device's characteristics, such as screen size, pixel display area, etc., (col.8, lines 62-67, col. 11, lines 1-62, col.8, lines 16-34, col.2, lines 2-19, fig.10-15). Kanevsky fails to explicitly teach *the one or more evaluated factors comprises network connections currently open at the client device.* Hind discloses filtering images, audio, etc., from a markup document based upon a device's physical capabilities (col. 3, lines 12-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kanevsky, and Hind for all the reasons outlined by Hind above, including reducing the cost of transmitting the document and increasing the likelihood that sufficient storage space will be available for receiving the document

Response to Arguments

13. Applicant's arguments filed 1/31/2006 have been fully considered but they are not persuasive. The Applicant notes that there is no teaching in Kanevsky for teaching receiving at the client device, syntax defining a plurality of alternative views of the component and conditions under which each of the views should be selected for rendering markup language document comprising a syntax defining a plurality of alternative views of the component and

conditions under which each of the views should be selected for rendering *as amended* (pages15-16). Kanevsky fails to explicitly teach *receiving at the client device, syntax defining a plurality of alternative views of the component and conditions under which each of the views should be selected for rendering markup language document comprising a syntax defining a plurality of alternative views of the component and conditions under which each of the views should be selected for rendering; evaluating at the client device, and using the evaluation result at the client device.* However, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive, evaluate, and use the evaluation result of the preadapted web page at the client where it is to be adapted, for all the reasons shown by Kanevsky including the client machine's more powerful, and efficient tools than a server for semantic interpretations so that the web page is readapted (col.17, lines 7-21).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richards et al. (Pat. # US 20020099829 A1), Bickmore et al. (Pat. # US 6857102 B1), Butler (Pat. # US 20030167334 A1), and Aasman et al. (Pat. # US 20050120075 A1).

II. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The Examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to http://portal.uspto.gov/external/portal/pair. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

CESAR PAULA
PRIMARY EXAMINER

4/13/06

PLEASE DO NOT ENTER 4/13/06 EBP

FIG. 1

100

```
<HTML>
<HEAD>
<STYLE TYPE="TEXT/CSS">

.altlet
{
 position: relative;
}

.view
{
 position: absolute;
 visibility: hidden;
 top: 0px;
 left: 0px;
}

</STYLE>
<SCRIPT TYPE="TEXT/JAVASCRIPT">

 function setView()
 {
    var basic = document.getElementById( "low" );
    var intermediate = document.getElementById( "medium" );
    var premium = document.getElementById( "high" );

    var browserWidth = document.body.clientWidth;
    var browserHeight = document.body.clientHeight;

    // hide all
    basic.style.visibility = "hidden";
    intermediate.style.visibility = "hidden";
    premium.style.visibility = "hidden";

    //alert( premium.parentNode.clientTop );
```

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120

121